

City Council Meeting MINUTES

Monday, March 13, 2017, 7:30 PM

Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia 24153

1. Call to Order

A regular meeting of the Council of the City of Salem, Virginia, was called to order at 7:30 p.m., there being present the following members to wit: Byron Randolph Foley, Mayor, William D. Jones, Vice-Mayor, Council members: Jane W. Johnson, James A. Martin, and James L. Chisom; along with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Melinda J. Payne, Director of Economic Development; Rosemarie B. Jordan, Director of Finance; Charles E. VanAllman, Jr., Director of Community Development; Mike Stevens, Communications Director; and Stephen M. Yost, City Attorney.

2. Pledge of Allegiance

3. Bid Openings, Awards, Recognitions

4. Consent Agenda

A. Minutes

Consider approval of the minutes from February 13, 2017, regular meeting.

Approved as presented

B. Financial Report

Consider acceptance of the Statement of Revenues and Expenditures for seven months ending January 31, 2017.

Vice Mayor Jones noted that Audit Finance committee met earlier, and it was noted there were some good things that came out of this report. He asked Mrs. Jordan to address expenditures being down and why our bottom line looks better.

Mrs. Jordan noted one of the questions asked was why our charges for services revenue is down. The reason for this is that the City Transfer station was actually transferred over to Roanoke Valley Resource Authority so we are no longer bringing in the revenue from that Transfer Station. On the other side of this under "Public Works" we are not paying for the cost of the Transfer Station. So what we are seeing

is roughly a \$700,000 decrease in charges for service right now. Also, under "Public Works" it is down \$2.4 Million. The majority of this savings last physical year we had a very paving project so this accounts for about \$1.5 Million of this and the rest, which is about \$900,000 - \$1 Million in savings, is from the Transfer Station not being run by the City. She feels that this is a very strong financial indication.

The decision by City Council to make this transition appears to be the right financial decision and this is what the statements are showing as of January.

Received as presented

5. Old Business

6. New Business

A. Taxicabs

Hold public hearing in accordance with Section 98-94 of THE CODE OF THE CITY OF SALEM, VIRGINIA, and consider issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months, beginning April 1, 2017. (Date set for public hearing at January 23, 2017 meeting. Advertised in the February 23, and March 2, 2017, issues of the *Salem Times Register*.)

Mr. Boggess noted that this is an annual thing that the City does. He stated that in the packet sent to Council a late application for consideration was attached along with the others. He reminded Council that last year there were a couple of issues identified by the Police Department. Additionally, we had one citizen complaint last year but as of this point we have had no citizen complaints or no one has called the office with regards to the applications.

Mayor Foley opened the public hearing at 7:34 p.m. With no one appearing, Mayor Foley closed the public hearing.

Mayor Foley asked if the late applicant has been inspected, and Mr. Boggess noted it is his understanding that they have been inspected. Mayor Foley noted that there are four applicants: Yellow Cab, B. Early, Salem Taxi, and City Cab. Mr. Boggess noted that Mr. Yost has made him aware of something and he asked Mr. Yost if he could explain.

Mr. Yost noted that the three applicants that Officer Critz looked at, he had no problem with Bennett E. Early, Jr., trading as B. Early Cab Service, and recommended the granting of the certificate to Mr. Early. He had no problem with Yellow Cab Service of Roanoke Inc. and recommended the certificate be granted to them. He did have problems with Salem Cab Service LLC and Roanoke Taxi, which

is one entity, for the reasons set forth in his report. The fourth applicant is the one that came in late which he is not aware of a report. This is East Coast Petroleum and Trading Inc. doing business as City Cab. He noted Council could grant the ones that they would like to this evening, which at the very least is Bennett Early and Yellow Cab. He noted that those two were recommended. The applications for Salem Taxi and City Cab might want to be put aside unless there is something new to report.

Vice Mayor Jones asked if they would be putting the applications aside as far as suspending their license or how would this work. Mr. Yost noted that they would not be suspending their licenses. He noted that the Certificate of Public Necessity can be done at any time during the year actually, if a business wants to come to Salem. They all end effective March 31st of each year. So they are still under their existing certificate, and it could be brought back in two weeks for any that they do not act on tonight.

James Martin motioned to award the certificates of Public Necessity and Convenience to B. Early Cab Service and Yellow Cab Services of Roanoke; and to continue the decision for Salem Cab Services, LLC, trading as Salem Taxi and Roanoke Taxi, and City Cab to the March 27th, meeting. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

B. Miscellaneous Fees

Consider adoption of Resolution 1306 reaffirming miscellaneous fees.

Mr. Taliaferro noted the resolution for Council's consideration has several amendments but only one change in the fees. Council might recall at the last budget cycle it was discussed about combining all the fees that we could into one resolution. There are a lot of additions particularly from the Water Department that were not included in the Miscellaneous Fees in the past. Those fees are not changing, but they are included in this one resolution, and our hope is that we will have all of our fees or as many as we can in one place. The one change he mentioned is under the Water Department - Penalty for Late Payment. The previously adopted resolution in June of 2016 was \$10 per service, and this should have been \$5 per service so this resolution will change that back.

Mr. Martin noted that this is great work to consolidate all these fees into one document and he believes this will make it easier to manage going forward. James Martin motioned to adopt of Resolution 1306 reaffirming miscellaneous fees.

William Jones seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

C. Lidl Grocery Store

Consider setting the bond for physical improvements and erosion and sediment control for Lidl Grocery Store. **Audit - Finance Committee**

Vice Mayor Jones noted that the Audit Finance Committee met this morning and the Committee reviewed the estimate for physical improvements and erosion and sediment control for Lidl Grocery Store. The Committee concurs with the Community Development Department's recommendation that the bond be set in the amount of \$316,143 with a completion time of twelve months. He asked the Director of Community Development if twelve months was going to be enough. Mr. VanAllman noted that it is going to be close, but he thinks they can do it in twelve months with good weather.

There was some discussion regarding the location of the building with regards to the Lowes Store.

William Jones motioned to approve the bond for physical improvements and erosion and sediment control for Lidl Grocery Store. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

D. Preston Place

Consider setting the bond for physical improvements and erosion and sediment control for Preston Place. **Audit - Finance Committee**

Vice Mayor Jones noted the committee reviewed the estimate for physical improvements and erosion and sediment control for Preston Place, which is on West Main Street next to Toyko Express. The committee concurs with the Community Development Department's recommendation that the bond be set for \$3,173.50 for a period of completion to be within twelve (12) months. William Jones motioned to approve the bond for physical improvements and erosion and sediment control for Preston Place. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

E. Appropriation of Funds

Consider request to appropriate grant funds received from the Virginia Office of the Attorney General. **Audit - Finance Committee**

Vice Mayor Jones stated that the Audit Finance Committee met to discuss this item. In the fiscal year 2016, the City was awarded \$1,000 through the Triad grant program administered by the Office of the Attorney General. Triad is a cooperative effort of law enforcement agencies, senior citizens and senior organizations focused on reducing crimes against older citizens. Grant funds must be expended by June 30, 2017 and will be used to provide training and establish a Triad chapter in the City of Salem. No matching funds are required. The committee reviewed the request and recommends appropriating \$1,000 in grant funds received from the Virginia Office of the Attorney General. William Jones motioned to appropriate grant funds received from the Virginia Office of the Attorney General. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

7. Closed Session

Boards and Commissions

Vice Mayor Jones motioned to appoint Jackson Beamer to the Planning Commission to fill the unexpired term of Bruce Thomasson with an effective date of March 13, 2017. Jane Johnson seconded the motion.

Ayes: Chisom, Martin, Johnson, Jones, Foley

Hold a closed session pursuant to Section 2.2-3711A(3) of the 1950 Code of Virginia, as amended, to discuss the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City and also pursuant to Section 2.2-3711A(29) to discuss the award of a public contract involving the expenditure of public funds and where discussion of the terms or scope of such contract in an open session would adversely affect the bargaining position or negotiating strategy of the City.

Vice Mayor Jones motioned to move to closed session in accordance with Section 2.2-3711A(3) of the 1950 Code of Virginia, as amended, to discuss the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City and also pursuant to Section 2.2-3711A(29) to discuss the award of a public contract involving the expenditure of public funds and where discussion of the terms or scope of such contract in an open session would adversely affect the bargaining position or

negotiating strategy of the City. Jane Johnson seconded the motion.

Ayes: Chisom, Martin, Johnson, Jones, Foley

8. Adjournment

Vice Mayor Jones motioned to reconvene at 8:53 p.m. and that in accordance with Section 2.2-3712D. of the Code of Virginia, 1950 as amended to date, Council hereby certifies that in Closed Session only items lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such items identified in the motion by which the Closed Session was convened were heard, discussed, or considered by the Council. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

The meeting was adjourned at 8:54 p.m.